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January 15, 2021

BY ELECTRONIC FILING

Hon. Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Anthony Rapp and C.D. v. Kevin Spacey Fowler a/k/a Kevin Spacey
Southern District of New York, Case No. 1:20-cv-09586 (LAK)

Dear Judge Kaplan:

As Your Honor is aware, we represent the plaintiffs in the above matter, including plaintiff C.D., who is a victim of sexual abuse and attempted rape by defendant Kevin Spacey.

We write in response to the January 15, correspondence by defendant Spacey's attorneys in which they improperly seek to disseminate the true identity of plaintiff C.D. to unknown witnesses, third-parties and investigators without an order or any protections in place, even as plaintiff C.D. prepares to file a motion in less than one week to proceed by pseudonym.

As directed by Your Honor during the telephone conference, I conferred with Mr. Scolnick on January 13, within 48 hours of the conference, concerning a stipulation. At that time Mr. Scolnick refused to enter into any stipulation stating that defendant Spacey was opposed to plaintiff C.D. proceeding by pseudonym. Thereafter, by letter dated January 14, I advised Your Honor of their position.

Now Mr. Scolnick asks this Court to allow defendant to disseminate plaintiff C.D.'s true identity to unknown witnesses, investigators and other third-parties before plaintiff C.D. has had the opportunity to be heard on the motion and before any protections are put in place. Mr. Scolnick misstates to this Court that the stipulation he is proposing is the same stipulation proposed by plaintiff. At no time did plaintiff C.D. propose any stipulation that allowed the

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attorneys for defendant Spacey to disseminate C.D.'s true identity to unknown witnesses, third-parties, investigators or experts before the motion was ruled upon by Your Honor. To allow defendant Spacey to disseminate the plaintiff's true identity without any order in place and before plaintiff C.D. has had the opportunity to be heard on the issue will likely cause irreparable harm to plaintiff C.D.'s health, safety and well-being.

During the January 12 telephone conference, Your Honor directed plaintiff to produce the true identity of plaintiff C.D. Your Honor also explicitly directed that the defendant is prohibited from disclosing C.D.'s true identity until an order is issued or a stipulation is agreed upon. We respectfully request that Your Honor adhere to the January 12 ruling and that the attorneys for defendant Spacey be prohibited from disclosing C.D.'s true identity until the motion has been heard by Your Honor or an order entered as we have not been able to agree on a stipulation. To be clear, there is a great risk to the health and safety of plaintiff C.D. if his name is disseminated to unknown third-parties, witnesses and investigators without any protections in place. Plaintiff C.D. will demonstrate the likely harm that he will suffer if he is not able to proceed by pseudonym in the forthcoming motion and we respectfully request the opportunity to be heard on that issue.

As directed by Your Honor, we will provide defendant Spacey with plaintiff C.D.'s true identity and we expect the defendant will adhere to Your Honor's directive that C.D.'s name not be disclosed by Spacey and his attorneys until the motion has been decided or an order entered.

Respectfully submitted,
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
HERSHENHORN, STEIGMAN & MACKAUF


Peter J. Saghir

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